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SPEECH

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OF

HON. WILLIAM M. STEWART,
OF NEVADA,

INDORSING THE PRESIDENT'S POLICY ON RESTORATION;

.DELIVERED

IN THE SENATE OF THE UNITED STATES, DECEMBER 21, 1865.

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SPEECH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 9) to maintain the freedom of the inhabitants of the States declared in insurrection and rebellion by the proclamation of the President of the 1st of July, 1862, the question pending being on Mr. Cowan's motion to refer the bill to the Committee on the Judiciary.

Mr. STEWART said:

Mr. PRESIDENT: Sentiments having been announced on the motion to refer this bill which I cannot indorse, I am compelled by a sense of duty to make a few observations. I ask the indulgence of the Senate in digressing from the real question at issue for the purpose of entering my protest against the attack made by the honorable Senator from Massachusetts [Mr. SUMNER] upon the message of the President and the report of the Lieutenant General, and to condemn the kind of testimony used in support of that attack. But before I enter into a discussion of this evidence, I desire to make a few remarks upon the great questions which have become involved in this debate. Sir, if the Senator from Massachusetts is right, and the evidence adduced by him establishes that the great mass of the people of the South are capable of the atrocities imputed to them by the anonymous witnesses paraded before this Senate, then a union of these States is impossible, then hundreds of thousands of the bravest and best of our land have fallen to no purpose, then every house from the Gulf to the lakes is draped in mourning without an object, then three thousand millions of indebtedness hangs like a pall upon the pride and prosperity of the people

only to admonish us that the war was wicked, useless, and cruel. But we are told that although we cannot have union, although we cannot extend the blessings of the Constitution to seven millions of our fellow-citizens who reside in the late rebel States, yet we have conquest and territorial dominion which we should perpetuate regardless of ourselves and our posterity. Senators complain of the growing power of the Executive, and at the same time seek through him to govern near half the territory of the United States by the military, which all must see will make it the overshadowing power in the land.

Mr. President, have conquest and dominion been the mottoes under which millions of the loyal men of the United States have rallied round the flag of their country? On the contrary, have not union, freedom, and equality before the law been the words of inspiration to the soldier, who poured out his blood as water, and to the nation, which expended its treasure as dross? Now that these sacrifices have been made and the victory won, are we not bound by every obligation which reverence for the dead, regard for the living, and fear of God can inspire, to preserve, not destroy, the Constitution and Union of these States? Thus far there are two plans presented to the country for the reorganization of the South. The one which finds favor in Congress—if we were to judge of the sentiment of that body from those who talk most—is to govern eleven States as conquered provinces by an exercise of power unwarranted by the Constitution, which must inev-

itably derange, if not destroy, that charter of our liberties. This plan trusts all to force, nothing to conciliation; all to revenge, nothing to charity. It treats with equal contempt the good opinion or hatred of seven millions of American citizens. It disregards the example of Ireland, where the oppression of Great Britain has produced millions of enemies, breathing vengeance from every part of the civilized world, before whom crowned heads now tremble. The vast armies which devour the substance of Europe and oppress and burden the down-trodden masses with ruinous taxation to hold subjugated provinces subservient to despotic will, have no warning for the advocates of this scheme. But what is the evidence used to induce the Senate to believe that the exercise of this despotic power is necessary? In judging of testimony upon ordinary subjects we take into consideration not only the facts stated, but the character and standing of the witness, his means of information, and last, but not least, his appearance upon the stand.

In this great cause the Senate properly called upon the chief Executive of the nation for information. Was he a witness whose character and standing before the country would entitle his testimony to consideration? Let the voice of a great people who have indorsed his patriotism and his administration answer. Were his means of information such as to entitle him to speak advisedly upon this subject? Let the machinery of Government, that collects facts from every department, civil and military, upon the table of the Executive, answer. Was not his appearance before the public in communicating this testimony to the Senate and the country such as to remove all grounds of suspicion? Let the exalted tone, bold and fearless statement, pure and patriotic spirit of both his messages be his best vindication. In the first he says:

"I found the States suffering from the effects of a civil war. Resistance to the General Government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals; and their armies were in the occupation of every State which had attempted to secede. Whether the territory within the limits of those States should be held as conquered territory, under military authority, emanating from the President as the head of the Army, was the first question that presented itself for decision.

"Now, military governments, established for an indefinite period, would have offered no security for the early suppression of discontent; would have divided the people into the vanquishers and the vanquished; and would have envenomed hatred rather

than have restored affection. Once established, no precise limit to their continuance was conceivable. They would have occasioned an incalculable and exhausting expense. Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony; and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule? The chief persons who would have followed in the train of the Army would have been dependents on the General Government, or men who expected profit from the miseries of their erring fellow-citizens. The powers of patronage and rule which would have been exercised, under the President, over a vast and populous and naturally wealthy region, are greater than, unless under extreme necessity, I should be willing to intrust to any one man; they are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise. The willful use of such powers, if continued through a period of years, would have endangered the purity of the general administration and the liberties of the States which remained loyal."

How plainly he here states the dangers of the plans proposed by those who would reduce the South to conquered provinces, and hold them under military rule, subjugated and degraded Territories, denied all the rights and privileges of the Constitution and the Union. How modestly and patriotically he declines to assume such enormous responsibilities. Does not the passage just read place him before the world a disinterested and competent witness upon these great questions?

He continues:

"Besides, the policy of military rule over a conquered territory would have implied that the States whose inhabitants may have taken part in the rebellion had, by the act of those inhabitants, ceased to exist. But the true theory is, that all pretended acts of secession were, from the beginning, null and void. The States cannot commit treason, nor screen their individual citizens who may have committed treason, any more than they can make valid treaties or engage in lawful commerce with any foreign Power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished; their functions suspended, but not destroyed.

"But if any State neglects or refuses to perform its offices there is the more need that the General Government should maintain all its authority, and as soon as practicable resume the exercise of all its functions. On this principle I have acted, and have gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the General Government and of the States. To that end, provisional governors have been appointed for the States, conventions called, Governors elected, Legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. At the same time the courts of the United States, as far as could be done, have been reopened, so that the laws of the United States may be enforced through their agency. The blockade has been removed, and the custom-houses reestablished in ports of entry, so that the revenue of the United States may be collected. The Post Office Department renews its ceaseless activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invites the restoration of industry and commerce; the post office renews the facilities of social intercourse and of business. And is it not happy for us all, that the restoration of each one of these functions of the

General Government brings with it a blessing to the States over which they extended? Is it not a sure promise of harmony and renewed attachment to the Union that, after all that has happened, the return of the General Government is known only as a beneficence?"

There again he maintains a perfect consistency with the theory of this war, that it was prosecuted for the preservation of the Union, not for its destruction, or the annihilation of its component parts. But he frankly admits the difficulties which all have felt and which all still feel. He says:

"I know very well that this policy is attended with some risk; that for its success it requires at least the acquiescence of the States which it concerns; that it implies an invitation to those States, by renewing their allegiance to the United States, to resume their functions as States of the Union. But it is a risk that must be taken; in the choice of difficulties, it is the smallest risk; and to diminish, and, if possible, to remove all danger, I have felt it incumbent on me to assert one other power of the General Government—the power of pardon. As no State can throw a defense over the crime of treason, the power of pardon is exclusively vested in the executive government of the United States. In exercising that power, I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States, and an unqualified acknowledgment of the great social change of condition in regard to slavery which has grown out of the war."

Upon the subject of the amendment of the Constitution abolishing slavery, the President uses the following language:

"The next step which I have taken to restore the constitutional relations of the States has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with the public safety. For this great end there is need of a concurrence of all opinions, and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not too much to ask, in the name of the whole people, that, on the one side, the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion; and that, on the other, the evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country. So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly calm population and capital and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption. It heals the wound that is still imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support."

"The amendment to the Constitution being adopted, it would remain for the States, whose powers have been so long in abeyance, to resume their places in the two branches of the national Legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens of the Senate, and for you,

fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the elections, returns, and qualifications of your own members."

This amendment the Secretary of State, as provided by law, has proclaimed to the world is now a part of the Constitution, and that, too, by the concurrence of several of the lately rebellious States, eight of those States being required to constitute the requisite majority. By this proclamation the honorable Secretary, whose age, learning, and eminent public services command respect both at home and abroad, has unmistakably pronounced his solemn opinion that North and South Carolina, Georgia, Alabama, Louisiana, Arkansas, Tennessee, and Virginia are States in the Union. But suppose he is wrong, and they are not States in the Union, no one doubts the power of Congress to make them such by recognizing them as States; and in either event we have this constitutional amendment the supreme law of the land. By it four million slaves are set free, and slavery forever made impossible within the limits of the United States. But what makes this constitutional amendment a practical, living thing, is the power given to Congress to enforce it by appropriate legislation. It is to be hoped the exercise of this power will be rendered unnecessary by the conduct of the States concerned.

The simple fact that we possess the power must have a salutary effect in constraining the local authorities to accord the freedman his natural rights. For the purpose of asserting this power a bill is already before the Judiciary Committee authorizing the President to continue the Freedmen's Bureau in an effective form so long as abuses may exist in any of the States, and to withdraw the same whenever the good order of society and the safety of the freedmen no longer require its protection, and again to reinstate it whenever new abuses shall arise requiring the exercise of its power. Through this constitutional agency the General Government may redeem its solemn pledge of emancipation, so far as to confer upon all men, without regard to color, perfect equality before the law. May not the freedmen be as well protected, if this view of the constitutional amendment be correct, by the strong arm of the Government while we recognize no State as having been out of the Union, as by that other theory

of State destruction and territorial subjection?

In the one case military power may or may not be used, depending upon the good faith and fair dealing of the States themselves, which every principle of interest and humanity must induce them to exercise toward their emancipated slaves. But in the other case, military power is the only remedy proposed; no opportunity to do voluntary justice is offered, but a conclusive presumption of guilt is indulged upon evidence of unknown letter-writers. What more do gentlemen want than a submission to the laws and a willingness to return to the Union?

Gentlemen say they wish security for the future. What security can we have that they will obey the laws more than the assurance of the chief Executive and the Lieutenant General that order and civil authority are being rapidly restored? What stronger proof can we have of their repudiation of secession than the fact that their Senators and Representatives are now knocking for admission into the Halls of Congress? What stronger guarantee of the effectual abolition of slavery and the restoration to civil rights of the freedmen can be given than the pledge recorded in the supreme law of the land proclaiming their liberty, and authorizing Congress to provide for its maintenance? For, whatever course may be pursued, it must for years be the effective power of Congress, coöperating with the Executive, that will protect the freedmen from oppression; and while Congress retains this power no necessity exists for treating the late rebel States as conquered provinces. But it may be, and from the extraordinary course of this debate it would seem, that something more is contemplated than the restoration of the Union, the punishment of treason, the abolition of slavery, and the protection of the freedmen. If this were all, it could be accomplished during the present session of Congress by a cordial coöperation of the various departments of Government. I for one am content with this. I am anxious at once to secure the benefits of our glorious victory. I am anxious to restore the Union and the Constitution, and to repudiate slavery and secession. These are greater reforms than any other age has produced; this is more progress

than has been achieved since the formation of our Government. I am anxious to secure this before we attempt more.

But another step is proposed, an advanced position is assumed before those already taken are secured, and that is a proposition for universal suffrage without regard to color, to be enforced by the central Government without regard to law. Whether this be a white man's Government or not is not the real question before the country; but the true question is, shall the General Government interfere with the right of suffrage in the States? When this is attempted we are not only met by the prejudices, whether just or unjust, of a large majority of the white inhabitants of the United States, but by the conscientious opinions of the chief Executive of the nation, sustained by many of the wisest and best statesmen and jurists of the country, that the Constitution has placed the question of suffrage exclusively within State jurisdiction. I do not propose to argue at length either the prejudices of the former or the constitutional objections of the latter. But we must remember that prejudice is often more powerful than reason, and that it often happens that prejudice itself is founded in reason. If this is not a white man's Government, one thing is certain, that neither the black man or the red man has ever reared such a Government. It must also be remembered that this Government is still regarded by other nations as an experiment, and its failure is confidently predicted for the reason that history furnishes no adequate proof of the capacity of man for self-government. They are not so much mistaken in their general reading as in the facts which lie at the foundation of our institutions. They forget that we are a race descended from the original Anglo-Saxon stock, and that our ancestors learned the lessons of liberty through generations of martyrdom, and have practiced those lessons for three hundred years in this distant land comparatively free from the degrading influences of arbitrary power: that superior natural endowments, universal education, and a vast and productive country have enabled us, alone, among all the nations of the earth, to sustain free government.

It may not be unjust for a people whose liberties can only be sustained by intelligence and virtue, to pause and hesitate before they in-

trust those liberties in the hands of four millions of unfortunate persons just emerged from the most degrading slavery before they shall have had an opportunity to learn the principles of that Government whose functions they are called upon to administer.

This prejudice is not necessarily selfish or cruel, but it may arise from an honest desire for the preservation of our own liberties and the liberties of the race which the war has made free. However this may be, the fact still exists, that few States in the North have yet granted the right of suffrage in any form to the colored men within their borders, although those colored men are often educated, frequently more enlightened than some white men among whom they reside. And while the States we represent deem it inexpedient to confer the right of suffrage upon the colored men within their borders, are we justified as their representatives in compelling the late rebellious States to confer that right upon the mass of unfortunate blacks who have yet to learn the first principles of their duties and responsibilities as citizens? But this is not all. If we are disposed to disregard the sentiments of our constituents and the action of our State governments, shall we trample upon the constitutional right of the States to regulate the question of suffrage, without first amending the Constitution as provided in that instrument? This is dangerous ground and a fearful responsibility. There is no question of necessity to justify it. The Union can be restored without it. The freedmen can be protected without it. The honor of the nation can be vindicated without it. But in attempting it, all may be lost, and we may have despotism and anarchy, or rather anarchy and then despotism, in the place of our once glorious and prosperous Union. But before I conclude, let me once again refer to the testimony of the President and the Lieutenant General to the bright prospect that is before us. The former says:

"From all the information in my possession, and from that which I have recently derived from the most reliable authority, I am induced to cherish the belief that sectional animosity is surely and rapidly merging itself into a spirit of nationality, and that representation, connected with a properly-adjusted system of taxation, will result in a harmonious restoration of the relation of the States to the national Union."

General Grant, whose means of information are second to none, except perhaps the President, being in immediate communication with the military authorities throughout the South, says:

"My observations lead me to the conclusion that

the citizens of the southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing, they want and require protection from the Government; that they are in earnest in wishing to do what they think is required by the Government—not humiliating to them as citizens—and that if such a course was pointed out, they would pursue it in good faith. It is to be regretted that there cannot be a greater commingling at this time between the citizens of the two sections, and particularly of those intrusted with the law-making power."

Against this we have statements, extracted from letters written by persons unknown to the country or to the Senate. We have no means of judging of their character for truth and veracity, or what information they really possess, and above all of what motives induced them to write.

We are not surprised at these stories, whether true or false. We expected, in the present disorganized condition of society, that crimes would be committed in the South. We know that crimes are committed, and men talk nonsense and folly in all countries. Even in the great Commonwealth of Massachusetts, with all her public virtues—and they are many—there are records of crime and misery. And it would have been strange if in the South, with all the mad passions of the people excited by this terrible civil war, no scenes of horror should have been witnessed since the fall of the rebellion. But it is said in some of the letter extracts read to the Senate that men in the South threaten to fight us through the ballot-box. Do we object to that? Are we not willing to submit all questions to the voice of the people? Are we not willing to be governed by the majority? Did we not fight them with the sword because they repudiated the decision of a constitutional majority? Are we willing to prolong the restoration of the Union and risk the experiment of taxation without representation for fear that the application of the rule, that the voice of the majority is law, shall drive us from power? Shall we not rather seek the perpetuation of the Union party by the accomplishment of the objects for which it was organized? Nothing but our own folly can deprive us of the rewards due to the services which that organization has rendered to the country and to the cause of liberty and humanity. The preservation of the Union, the repudiation of secession, and the abolition of slavery, the parent of secession, are great deeds; and the party that has achieved them, so long as it adheres to the principles it has vindicated, will be remembered and sustained by a generous and patriotic people.

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